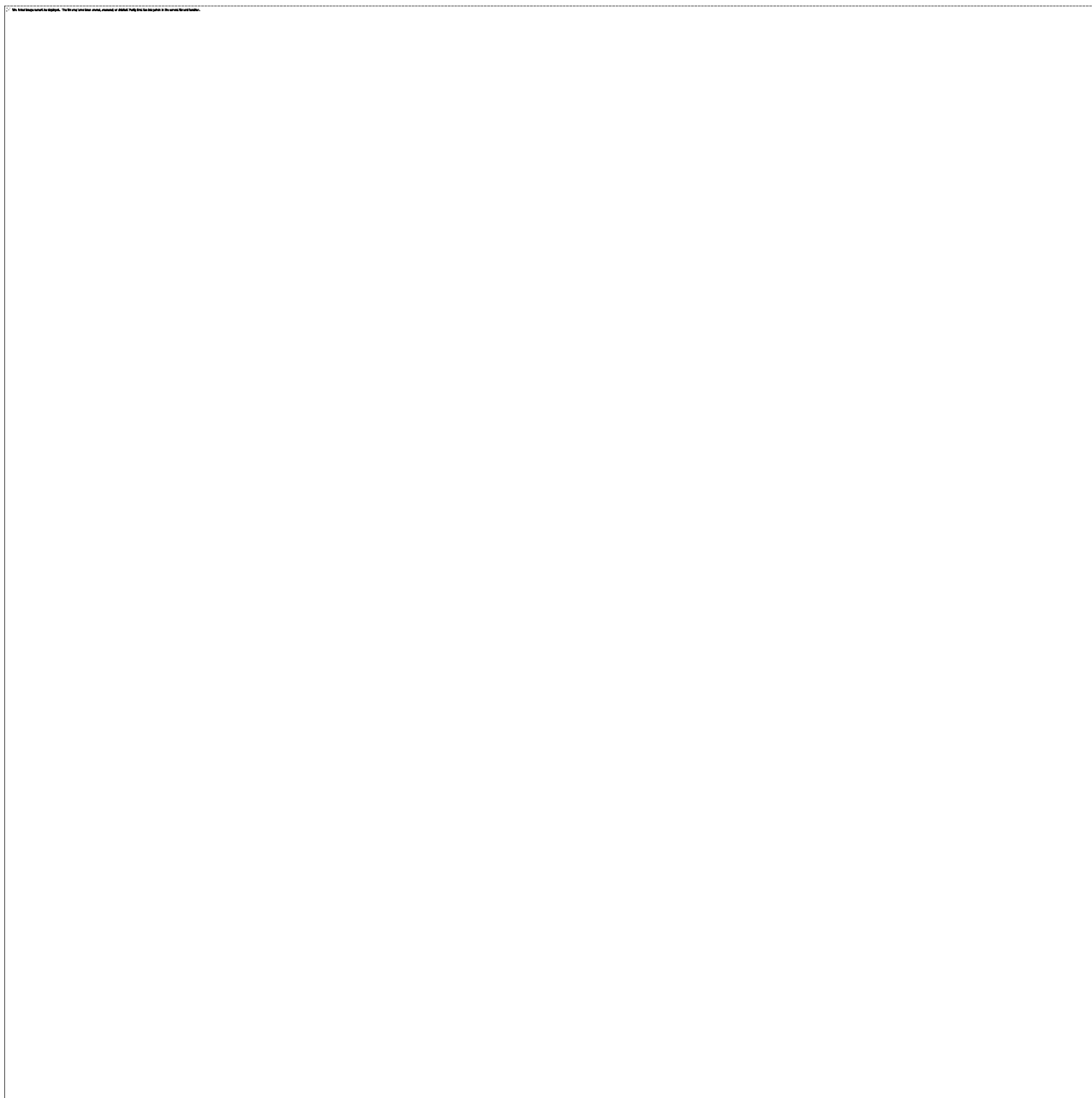


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Administrator

EPA Proposes Increase In Biofuel Usage.

The AP (12/1, Karnowski) reports, The EPA “on Thursday proposed increasing the amount of ethanol and other biofuels that must be blended into the nation’s fuel supplies over the next three years, a move welcomed by renewable fuel and farm groups but condemned by environmentalists and oil industry groups.” The proposal also adds “new incentives to encourage the use of biogas from farms and landfills, and renewable biomass such as wood, to generate electricity to charge electric vehicles.” Administrator Regan said in a statement, “This proposal supports low-carbon renewable fuels and seeks public input on ways to strengthen the program. With this proposal, EPA seeks to provide consumers with more options while diversifying our nation’s energy mix.”

E&E Publishing (12/1, Heller) reports, “EPA proposed 20.82 billion gallons of total renewable fuel in 2023, up from 20.63 billion gallons in 2022.” E&E Publishing adds, “Totals would climb to 21.87 billion gallons in 2024 and 22.68 billion gallons in 2025 under the rule, which is subject to public comment and public hearings in January.”

Also reporting are *The Hill* (12/1), *Reuters* (12/1, Kelly, Renshaw), and the *Wall Street Journal* (*Request Article*) (12/1, Morenne).

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Brownfields/Superfund/Other Cleanups + Redevelopment

EPA Approves Denver's \$700M Project To Replace Lead Water Pipes.

The AP (12/1, Phillis) reports that on Thursday, the EPA "approved a nearly \$700 million plan to remove all lead water pipes in the Denver region, saying the local water utility's approach for reducing lead levels is succeeding and making swift progress." In 2020, local officials promised "to replace between 64,000 and 84,000 lead pipes in 15 years, a comparatively fast pace." Additionally, "to make sure people aren't getting lead poisoning in the meantime, they also promised to hand out lead-removing filters to residents." Federal officials say "Denver Water's approach could be a model for other cities and is unique. "

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Editorial/Op Ed/ Commentary/Letters

Large-scale Solar Assn. Boss Believes Officials Are Causing The Building Of Solar Panels To Be Too Hard.

In an edition of the *Los Angeles Times*' (12/1) "Boiling Points" newsletter, Sammy Roth writes that he not long ago wrote on the topic of "a Nature Conservancy study with the optimistic conclusion that the American West can generate enough clean power to replace fossil fuels, even if some of its most ecologically important landscapes and best farmlands are placed off limits to solar and wind projects." Roth features a condensed transcript of a conversation she had with Shannon Eddy, who "runs the Large-scale Solar Assn., a Sacramento trade group that represents and lobbies for the solar industry." Eddy "reached out after reading my piece on the Nature Conservancy study, and told me she wanted to talk." In "her view, state and federal officials are making it far too difficult to build the solar panels and wind turbines needed to phase out coal, oil and gas."

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Energy Issues

EPA “Set” RFS Proposal Seeks Continuous Biofuel Growth Over Three Years.

Inside EPA (12/1) reports in subscription-based coverage, “EPA’s ‘set’ proposal outlining the future of the renewable fuel standard (RFS) calls for a steady growth of biofuel blending over three years, driven by strong growth in low-carbon cellulosic and advanced biofuel categories, reflecting Biden administration priorities, as well as modest growth in biodiesel volumes and flat volumes for conventional corn ethanol.”

New Mexico Environmentalists Express Concern About BLM’s Methane Proposal.

The Carlsbad (NM) Current-Argus (12/1, Hedden) reports environmentalists in New Mexico are expressing concern about the proposal the BLM released Monday to reduce methane emissions and are arguing that the proposal doesn’t go far enough. The BLM proposes to “add regulations that would increase royalty payments operators pay on emissions, while requiring low-emission valves and other technologies be used at extraction facilities on federal land across the U.S.” The agency “also proposed requiring operators develop plans to detect and repair leaks at their facilities and impose monthly limits on flaring or the burning of excess natural gas.”

Pennsylvania Regulators Adopt Emergency Oil And Gas Rule.

Lancaster (PA) Farming (11/30, Gruber) reports Pennsylvania regulators decided on Wednesday to adopt an emergency volatile organic compound rule for oil and natural gas wells. The rule “had to be in place quickly so the state could file an air quality plan with the Environmental Protection Agency by Dec. 16, the state Department of Environmental Protection said.” If the state had delayed “past Dec. 16, the federal government will withhold highway funding – hundreds of millions of dollars for several hundred projects – until the plan is submitted, DEP said.” The agency “said the rule brings the state in line with federal regulations on volatile organic compound emissions from oil and gas infrastructure, including well sites, processing plants and storage tanks.”

Starwood Energy Imploding Coal-Fired Plant In New Jersey.

The AP (12/2, Parry) reports Starwood Energy is imploding its coal-fired Logan Generating Plant in New Jersey on Friday and is expected to announce a new clean energy venture on site. Logan “is one of two former coal-fired power plants that the company agreed in March to shut down. They were the last two coal-fired power plants operating in the state.”

Federal Judge Holds Hearing For TVA Lawsuit.

The AP (12/1, Sainz) reports US District Judge Thomas L. Parker held a hearing in Memphis, Tennessee on Thursday for a lawsuit a coalition of environmental groups filed in 2020 against the Tennessee Valley Authority over the utility’s decision to have distributors sign 20-year contracts. The groups “allege the deals hurt the ability of local power companies to seek out and use renewable power

such as solar energy from sources outside the TVA.” The hearing was a response “to TVA’s motion to have a judge make a ruling without going to trial.” TVA “said three environmental groups have no standing to sue after TVA reached long-term agreements with many local power distributors in its seven-state region.” Parker “did not make a decision during the hourslong hearing, which included references to a federal law created 50 years ago, longstanding TVA rules, technical language and energy industry jargon.”

US Wind To Be Boosted By IRA’s Tax Credits For Long Duration Storage.

Reuters (12/1) reports, “New tax credits for energy storage in the U.S. Inflation Reduction Act (IRA) will boost the business model for long duration energy storage (LDES) that will be crucial to eliminating fossil fuel from the grid.” The IRA extends “tax credits for wind and solar for the next ten years and allows developers to gain investment tax credits (ITCs) for standalone energy storage and wind plus storage projects for the first time. Previously, ITCs were only available for storage coupled with solar.” The technology-neutral “storage incentives will lead to more wind projects coupled with batteries but they will also accelerate the commercialisation of LDES crucial for achieving high levels of wind penetration.”

Biden Administration Seeks To Stop Congressionally-Mandated Sales From SPR To Refill Reserve.

Bloomberg (12/1, Natter) reports the Biden Administration “is seeking to stop sales from the Strategic Petroleum Reserve mandated by Congress so it can refill the emergency reserve, a move that could impact the release of 147 million barrels of crude oil.” The Energy Department is specifically seeking to cancel and delay any Congressionally-mandated sales through the next three fiscal years “so that it can move forward with a White House plan to refill the oil reserve when crude prices reach around \$70 a barrel, an agency official told a Senate committee Thursday.” Meanwhile, Congress “has mandated the sale of 147 million barrels of oil to pay for unrelated legislative initiatives during that time frame, including 35 million barrels in fiscal 2024, according to data compiled by research firm ClearView Energy Partners.”

NREL Reports Examine US Wind Workforce Gaps.

reNews (12/1) reports, “Two new reports from the National Renewable Energy Laboratory (NREL) explore the reasons behind the wind energy workforce gap and suggest solutions for closing it.” Surveyed employers “cited a lack of appropriate experience, education and training, plus lack of applicants, as reasons they cannot find qualified applicants for positions.” The gap, “first identified in a 2019 NREL study, refers to the trouble the industry has with hiring qualified workers, while, at the same time, qualified workers have trouble finding wind industry jobs.” NREL Researcher Jeremy Stefek said, “We explored reasons for the wind energy workforce gap and found that experience, geography, and hands-on training all played key roles.” He added, “If we are going to meet our targeted wind energy goals, there needs to be a workforce to support the industry.”

Panelists: Predictability Among Obstacles US Offshore Wind Sector Needs To Deal With Prior To Constructing New Fleet.

Workboat (12/1) reports, “Stability and predictability are two hurdles the U.S. offshore wind industry must clear to build out the new fleet it needs, panelists said at the International WorkBoat Show in New

Orleans Thursday.” Workboat adds, “For us, the biggest challenge is seeing these projects permitted and moved forward,” said William Hanson, senior vice president for market development with Great Lakes Dredge and Dock Corporation, which is building the first U.S.-flag subsea rock installation vessel for the U.S. wind market.” Hanson also remarked, “We knew being first to market with a Jones Act-compliant rock vessel would be attractive.” Moreover, Workboat also says that “the Biden administration’s march toward a goal of 30 gigawatts of offshore wind energy by 2030 has developers and the Bureau of Ocean Energy Management busy.”

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Environmental Justice

White House EJ Panel Refuses Call To Advise Agencies On CCS.

Inside EPA (12/1) reports behind a paywall, “White House environmental justice (EJ) advisors are, for now, refusing officials’ request to join a federal working group focused on equitably implementing carbon capture and storage (CCS) and other ‘carbon management’ projects funded by recent climate legislation, underscoring their long-running opposition to the technologies’ use.” Inside EPA adds, “During a Dec. 1 meeting of the White House Environmental Justice Advisory Committee (WHEJAC), panelists said they are not yet ready to discuss the issue with the government, though they are continuing to discuss the...”

White House Will Use Indigenous Peoples’ Knowledge, Experience To Inform Climate Policy.

E&E Publishing (12/1, Waldman) reports, “Indigenous people have closely observed changes to the climate for centuries. Now their knowledge...will help inform federal research and policy decisions.” President Biden “announced the initiative Wednesday at the White House Tribal Nations Summit, calling it part of a larger effort to show more ‘respect’ for tribal sovereignty and authority across the country.” Vice President Harris “noted that Native communities are disproportionately affected by toxic air and water pollution – despite being responsible stewards of environmental and natural resources for millennia. Now, she said, the federal government can use Indigenous knowledge to better protect those resources.” Harris said, “To create enduring solutions to the climate crisis, we must rely on your traditions, your expertise, your knowledge, your history, your leadership.”

EPA Developing “Disparity Elimination” Indicators For EJ Progress Tracking.

Inside EPA (12/1) reports in subscription-based coverage, “EPA is beginning to develop at least 10 new indicators of ‘disparity elimination’ that will help the agency track whether its environmental justice (EJ) initiatives are actually improving conditions in overburdened and underserved communities, an effort aimed at showing progress on the issue sooner than the 2026 target the agency had previously set.”

EPA Proposes Restrictions To Prevent Alaska Pebble Mine.

The **AP** (12/1) reports, The EPA “on Thursday proposed restrictions that would block plans for a copper and gold mine in Alaska’s Bristol Bay region that is home to the world’s largest sockeye salmon run.” A statement from the EPA region 10 office said the proposed Pebble Mine would “result in unacceptable adverse effects on salmon fishery areas.” The decision now goes to the EPA Office of Water for finalization, which they have 60 days to do.

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Enforcement

Pearland Working On Settlement With Texas CEQ After CWA Violations.

The **Houston Chronicle** (12/1) reports, “Pearland is working to reach a settlement with the Texas Commission on Environmental Quality after city wastewater employees for years repeatedly violated state regulations, including telling a contractor to dump 150 gallons of bleach into Clear Creek – possibly leading to an otherwise inexplicable fish kill – and not reporting issues as required by law.” Although the investigation into the plant began in May of this year, violations have been going back at least since 2020. Legal Director for Bayou City Waterkeeper, Kristen Schlemmer, said “This does show that Pearland understands there’s a problem and is making efforts to fix it. But I don’t know if it goes far enough. I’m not sure what our organization will do, but this will be something we keep an eye on.”

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Science

Satellites Detect Limited Benefit From Carbon Offsets In California.

The **Houston Chronicle** (12/1) republishes a report by the Conversation in which they “found that carbon isn’t increasing in [California’s] 37 offset project sites any more than in other areas, and timber companies aren’t logging less than they did before,” showing that carbon offset projects are having little impact in reducing emissions. Analysts from the Conversation say, “It’s clear that offsets are playing a large and growing role in climate policy, from the individual to the international level. In our view, they need to be backed by the best available science.”

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Grants/Awards

NEJAC Pushes EPA For Strict Conditions On States Receiving IRA Funding.

Inside EPA (12/1) reports behind a paywall, "Members of EPA's National Environmental Justice Advisory Council (NEJAC) say the agency must impose strict conditions on states and other governmental entities that receive Inflation Reduction Act (IRA) funding from the agency's air office to ensure that the environmental justice (EJ) communities are the beneficiaries as intended." **Inside EPA** adds, "During the council's Nov. 30 meeting, the panelists urged EPA to require states to 'regrant' the money to EJ groups or otherwise mandate that states involve them from the outset, citing 'patterns' of..."

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Toxics

US Rejects Discovery Calls In PFAS Litigation.

Inside EPA (11/29) reports behind a paywall, "The U.S. government is rejecting calls by plaintiffs for extensive discovery leading up to a bellwether trial in landmark PFAS litigation, arguing the Superfund law's bar on judicial review of cleanups is triggered by the Defense Department's (DOD) ongoing efforts to remediate contamination from the toxic chemicals." **Inside EPA** continues, "Signaling the government's upcoming strategy for seeking dismissal of water treatment claims against DOD at certain sites, the Department of Justice (DOJ) on behalf of DOD is asking a federal court to set..."

Tackling PFAS With Superfund Law Risks Shifting Costs To Public.

Bloomberg Law (11/30) reports, "The EPA's plan to speed Superfund cleanups of two 'forever chemicals' to make polluters rather than taxpayers foot the bill raises concerns that the law's limited flexibility will shift the burden of costs back to communities, attorneys and groups representing public services say." The Comprehensive Environmental Response, Compensation, and Liability Act "can force companies that have dumped the chemicals on land or in water to pay to remediate the sites, said Amanda E. Aspatore, general counsel for the National Association of Clean Water Agencies representing publicly owned wastewater treatment facilities," but CERCLA's "sweeping liability provisions, few exemptions, and opportunities for one potentially responsible party to sue others in an attempt to share cleanup costs means 'companies who didn't cause problems' can be impacted, Aspatore said." The EPA's regulation "would put every [water] utility in the country at risk of liability" for the targeted PFAS, she said.

Evers Administration Seeking Approval For New PFAS Regulations.

The **AP** (12/1) reports, "Democratic Gov. Tony Evers' administration plans to ask state environmental officials again for permission to develop limits on a group of chemicals known as PFAS in Wisconsin groundwater. Department of Natural Resources officials are scheduled to ask the agency's policy board on Dec. 14 for permission to start drafting numeric standards for four types of per- and polyfluoroalkyl substances in groundwater." The **AP** also reports, "Several Wisconsin communities are grappling with

PFAS contamination in their groundwater, including Marinette, Madison, Wausau, and the towns of Peshtigo and Campbell.”

EPA Rebuts Chemours Arguments Against GenX Health Advisory.

Inside EPA (12/1) reports in subscription-based coverage, “EPA is rebutting arguments by chemical manufacturer Chemours Company over the agency’s contested drinking water health advisory level (HAL) for a GenX PFAS chemical, as the agency reiterates its position that the HAL is not a final agency action while refuting the company’s contention that the measure has generated a host of legal consequences.”

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Water

EPA Poised To Issue Codified Interim WOTUS Definition.

Inside EPA (12/1) reports, “EPA and the Army Corps of Engineers are poised to finalize a new, interim definition of ‘waters of the United States’ (WOTUS) after the White House Office of Management and Budget (OMB) completed interagency review of the rule on Nov. 30, setting the stage for a new phase in the decades-long clash over the scope of the Clean Water Act (CWA).”

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ESG

Florida Divests \$2B From Blackrock Due To ESG Policies.

Reuters (12/1, Kerber) reports Florida CFO Jimmy Patronis “said on Thursday his department would pull \$2 billion worth of its assets managed by BlackRock Inc, the biggest such divestment by a state opposed to the asset manager’s environmental, social and corporate governance (ESG) policies.” Patronis “accused BlackRock of focusing on ESG rather than higher returns for investors.” While the move “will hardly dent BlackRock’s \$8 trillion in assets,” In response, BlackRock said, “We are disturbed by the emerging trend of political initiatives like this that sacrifice access to high-quality investments and thereby jeopardize returns, which will ultimately hurt Florida’s citizens. Fiduciaries should always value performance over politics.” P While the move “will hardly dent BlackRock’s \$8 trillion in assets,” it “underscores how a backlash against ESG investing is gathering steam among Republican leaders in Florida, and elsewhere, who criticize corporations for focusing on matters like climate change or workforce diversity.” So far, “only Republican-controlled states have made major reallocations away from BlackRock, including \$794 million pulled by Louisiana’s treasurer and \$500 million by Missouri’s treasurer, both in October.”

The **Washington Post** (12/1) reports BlackRock's director of corporate communications, Christopher Van Es, said the firm acted "with the sole goal of driving returns for our clients." Van Es cited the "strong returns BlackRock has delivered to Florida taxpayers over the past five years." He said, "We are disturbed by the emerging trend of political initiatives like this that sacrifice access to high-quality investments and thereby jeopardize returns, which will ultimately hurt Florida's citizens."

Also reporting are the **Financial Times** (12/1), and **Fast Company** (12/1, Becker).

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